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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/999.663 12/18/97 COLGAN

E Y0994-065XX

EXAMINER

MM92/0306

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INTELLECTUAL PROPERTY LAW DEPT  
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ART UNIT

PAPER NUMBER

2871

DATE MAILED:

03/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

08/999,663

Applicant(s)

COLGAN ET AL.

Examiner

James A Dudek

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 46-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53-55, 59 and 61 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-13, 46, 50, 56-58, 60, 62, 63, 66-72, 74 and 77 is/are rejected.
- 7) ☒ Claim(s) 3, 48, 49, 51, 52, 73, 75 and 76 is/are objected to.
- 8) ☒ Claims 14, 64-65 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. The reply filed on 11/22/00 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): See Below. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

As a result of an inadvertent miss numbering of the claims, applicant's representative canceled the improperly numbers claims and submitted new claims with the same language as the canceled claims in order to resolve the improper numbering issue. In a previous conversation, the applicant's representative indicated he was unsure how each of the newly added claims 46-77 correspond canceled claims 15-45. In response the examiner explained he would provide the correct correspondence of each claim which appears below.

1. New claim 46 has no correspondence, but is rejected over Lloyd.
2. New claim 47 corresponds to canceled claim 15 and is accordingly rejected.
3. New claim 48 corresponds to canceled claim 16 and is accordingly objected.
4. New claim 49 corresponds to canceled claim 17 and is accordingly objected.
5. New claim 50 corresponds to canceled claim 18 and is accordingly rejected.
6. New claim 51 corresponds to canceled claim 19 and is accordingly objected.
7. New claim 52 corresponds to canceled claim 20 and is accordingly objected.
8. New claim 53 corresponds to canceled claim 21 and is accordingly allowed.
9. New claim 54 corresponds to canceled claim 22 and is accordingly allowed.
7. New claim 55 corresponds to canceled claim 23 and is accordingly allowed.
8. New claims 56-58 correspond to canceled claim 24-26, respectively, and are accordingly rejected.
9. New claim 59 corresponds to canceled claim 27 and is accordingly allowed.
10. New claim 60 corresponds to canceled claim 28 and is accordingly rejected.
11. New claim 61 corresponds to canceled claim 29 and is accordingly allowed.

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12. New claims 62-63 correspond to canceled claim 30-31, respectively, and are accordingly rejected.

13. New claims 64-65 correspond to canceled claim 32-33 and are accordingly non-elected claims.

14. New claims 66-70 correspond to canceled claim 34-38, respectively, and are accordingly rejected.

15. New claim 77 corresponds to canceled claim 39 and is accordingly rejected.

16. New claims 71-72 correspond to canceled claim 40-41, respectively and are accordingly rejected.

17. New claim 73 corresponds to canceled claim 42 and is accordingly objected.

18. New claim 74 corresponds to canceled claim 43 and is accordingly rejected.

19. New claims 75-76 correspond to canceled claim 44-45 and are accordingly objected.

Any inquiry concerning this communication should be directed to James A Dudek at telephone number (703) 308-4093.



James A Dudek  
Primary Examiner  
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